



The Indiana Family and Social Services Administration

New Child Care Laws Effective July 1, 2013

June 2013

Unlicensed CCDF Child Care Providers and Unlicensed Registered Ministries





New Laws

- **During the past legislative session, Indiana lawmakers passed two new child care laws that will impact all regulated child care providers – including Registered Ministries and other unlicensed providers who receive CCDF payments.**
- **These new child care laws take effect on July 1, 2013**





SEA 305 and HEA 1494

SEA 305 made several key changes to the laws covering CCDF eligibility under IC12-17.2-3.5. This code now includes additional health and safety standards for unlicensed child care providers, including Registered Ministries that receive CCDF payments.

HEA 1494 made an important change to criminal background checks. Starting July 1, 2013 all child care programs: licensed centers, licensed homes, registered ministries, and unlicensed child care providers receiving CCDF, must obtain national fingerprint criminal history checks for the applicant, all employees and volunteers (household members over 18 if applicable)





HEA1494- National Criminal History Checks

- HEA 1494 impacts all provider types, unlicensed and licensed, in the same way
- Effective July 1 all providers, employees and volunteers (the provider's spouse and all household members 18 and over if applicable) must have a national criminal history check, completed by submitting fingerprints to the FBI





National Fingerprint Background Checks

- Benefits
 - ✓ all providers must meet the same standard- families don't need to guess if these checks have been done on their child's caregiver
 - ✓ identity is guaranteed- no more missed hits due to alias, nicknames, misspellings
 - ✓ criminal background records from all states will be checked
- Challenge
 - ✓ Cost (includes fees to FBI, ISP and MorphoTrust, formerly L-1)
(law states that the cost will not be covered by the State)





How often and when?

- Checks must be completed every three years and upon hire (if you have a had a national fingerprint check within the past two years- it is still good until the third year)
- You do not need to have this completed by July 1, 2013. You will need to complete this prior to your next annual/renewal inspection. Law states that all programs must be in compliance no later than July 1, 2014
- Effective July 1, 2013 new employees/volunteers must have these national checks completed through the FBI





How

- Per the law these must be fingerprint checks conducted through the FBI, checks conducted through other companies are not accepted
- Instructions are in your packets and posted online <http://www.in.gov/fssa/carefinder/4182.htm>
- Results of the checks come to BCC (per the law). We will notify you if there is a problem with one of the checks





- Only the individual can get a copy of his/her history by following the instructions posted online
- The individual can protest the result of a check by following the instructions online





Instructions

- Go online <http://www.11enrollment.com/>
- If you do not have internet access call 1-877-6917
- Go to scheduling, click on your preferred language
- Choose Family and Social Services Administration
- Click the description (center, home) that describes the child care program that you are working for/own
- Schedule your time, complete the info page, pay and print your confirmation





Instructions

- Take the necessary documentation to your appointment
- Fingerprints are electronically scanned, they are not kept by any agency
- A receipt will be given showing that you have completed the submission of your fingerprints- keep this as documentation
- BCC is working with the vendor to ensure adequate capacity to handle this increased volume
- Juvenile check process remains the same- posted online
http://www.in.gov/fssa/files/BCC_Juvenile_Criminal_History_Check_Instructions_and_Form.pdf





Consent Forms

- You will still need to submit consent forms for all staff/volunteers and household members
- BCC will continue to annually check the Child Protection Index and the Sex Offender Registry using the information contained within these consent forms





Other Changes in HEA1494

- Changes what types of criminal histories will prohibit an individual from working in child care
- ✓ Serious felonies (new definition in IC12-17.2-2)
- ✓ Crimes defined as sex offenses (under IC11-8-8-5.2)
- ✓ Other felonies not included above that are less than 10 years from the final disposition (parole, prison, probation)
- ✓ Misdemeanor related to the health and safety of a child
- ✓ Misdemeanor for operating a child care without the necessary license





Other Changes in HEA1494

- HEA1494 also requires that providers report any investigation, arrest or conviction of an employee, volunteer or household member that they are aware of.





- Questions about National Criminal History Checks?
- Registered Ministries that do not take CCDF may feel free to leave the call/webinar at this time





CCDF Minimum Eligibility Standards

SEA 305 made several changes to the CCDF minimum eligibility standards, also known as CCDF Provider Eligibility Standards or PES under IC12-17.2-3.5

As of **July 1, 2013**, all unlicensed CCDF certified child care providers, including registered ministries, must meet all existing eligibility standards and all of the new eligibility standards added by SEA 305.

There is information in your packet that can assist you in meeting these standards. If you have not received this packet in the mail, you can get a copy online at <http://www.in.gov/fssa/carefinder/4813.htm>



New Health and Safety Requirements

As of July 1, 2013, CCDF providers must:

- Follow bathroom and hand washing standards
 - Toilets must be in working order, accessible to children, and kept in a sanitary condition
 - Caregivers must follow diapering guidelines
 - Caregivers and children must wash their hands as required
 - Resources are available
 - Handouts are in your packets



New Health and Safety Requirements

As of July 1, 2013, CCDF providers must follow:

Safe Sleep Training and Practice

- If your child care program cares for children less than 12 months of age, the applicant or director must complete and document BCC approved Safe Sleep training
- All caregivers, employees, and volunteers caring for children must follow these Safe Sleep practices at all times
- The division approved training is free. Contact your local Child Care Resource and Referral (CCR&R) Office for information
- A map of these CCR&R offices is included in your packet



New Health and Safety Requirements

As of July 1, CCDF providers must:

Maintain a written discipline policy.

- A copy of this policy must be given to each parent
- Parents must also sign a second copy that is kept in the child's file
- All providers, employees, and volunteers must follow the policy at all times.
 - The policy must detail what type of discipline will be used with the children in your care and under what circumstances the discipline will be used
 - The policy must also include information about how your method of discipline will be modified for children of different ages and abilities



New Health and Safety Requirements

As of July 1, CCDF providers must:

Child Abuse Detection and Prevention Training:

The applicant, all employees and volunteers must receive training in child abuse detection and prevention

- You must keep a record that these trainings have been completed as required
- Free and low cost trainings are available and resources are included in your packet
- If you are not familiar with your local child care resource and referral agency, they are prepared to help you meet this requirement
- You may take this training from other sources, must include training on child abuse detection, prevention and reporting



New Health and Safety Requirements

As of July 1, CCDF provider must have:

Orientation Training

- All employees and volunteers receive orientation to the child care program prior to beginning work or volunteering
 - You must document that the orientation has been completed by each required individual (this includes current employees/volunteers)
 - A sample orientation document is included in your packet
 - Orientation should include such things as emergency procedures, including evacuation routes, emergency phone numbers, location of telephone, information about the children, such as allergies, other information that is important for caregivers to know



New Health and Safety Requirements

As of July 1, CCDF provider must follow:

Transportation Guidelines:

- You must indicate in a written statement if you are/will be transporting children
- If you do transport children you must have a permission slip for every child, signed by the child's parent and maintained in the child's file
- Drivers must show documentation that they are 18 or older and have a valid driver's license
- Documentation must show that the vehicle(s) used are registered and insured



New Health and Safety Requirements

As of July 1 CCDF providers must meet:

Caregiver Age Requirements

- Caregivers must be at least 18 years old
- Individuals between 14-18 may be assistant caregivers, but must be directly and continually supervised at all times by an adult caregiver at least 18 years old
- Children under the age of 14 are not allowed to be assistant caregivers
- All individuals caring for children must be a qualified caregiver



New Health and Safety Requirements

Effective July 1, CCDF providers must also:

- Allow unscheduled visits by parents and guardians any time that child care is being provided
- Keep medication inaccessible to children
- Maintain all training documentation at the facility and make it available to your inspector upon request



Definitions

This law also defines several key items:

- **Volunteer**
 - Volunteers will be defined as any individual who provides services to your unlicensed CCDF child care center without compensation for more than eight (8) hours per month
- **Qualified caregiver**
 - A provider, employee, or volunteer who has direct contact with children and meets all of the requirements including background checks, drug screens, TB tests, and required trainings
- **Guest**
 - An individual present in the child care center for less than eight hours a month. A guest may not be left alone with the children in care at any time



Definitions cont.

CCDF decertification

- A decertification from the CCDF program occurs when you are not meeting the required CCDF minimum eligibility standards, also known as Provider Eligibility Standards or PES
- If it is determined during an inspection or complaint investigation that you are not meeting the standards, you will be given a short period of time to come into compliance
- You will receive written notice of the standards that are not being meeting and the deadline for coming into compliance. This is called a Notice of Order (NOO).
- If you fail to come into compliance by the deadline, you will be **decertified** from the CCDF program and will not be able to receive payments
- If decertified, you may reapply to the program once you are able to demonstrate compliance with the standards



More Important Definitions

CCDF emergency decertification

- If certain emergency conditions, as defined by the law, are identified in your CCDF child care center, you will be **immediately decertified** from the CCDF program and you will not be able to receive payments



Reasons for an Emergency Decertification

These emergency conditions include:

- building damage due to tornado, fire, flooding, sever wind, ice storm, lead contamination, asbestos, or building is structurally unsafe
- sewage problems including sewage backup, toilets not working, sewage system not working properly
- Inadequate or unsafe water supply including contaminated water or water supply not working
- No electricity or heating system problems
- Gas, carbon monoxide or other noxious gas leak
- Filthy conditions
- Rodent, roach or vermin infestation
- Building renovation occurring in area used by children
- Lack of supervision that results in death or serious injury of a child
- Presence of an individual who, as the result of a background check, is prohibited under IC12-17.2-3.5 from being there



Definitions

- **CCDF eligibility revocation**

In addition to existing reasons for CCDF eligibility revocation, beginning on July 1, 2013, your CCDF eligibility will be revoked if:

- It is determined that you have given false statements on an application or records required by the Division of Family Resources
- It is determined that there are credible allegations of fraud against you
- It is substantiated that you have committed welfare fraud
- Criminal charges of fraud have been filed against you
- If your CCDF eligibility is revoked, you will be prohibited from reapplying for CCDF for at least two (2) years following the revocation.



Claims of Abuse and Neglect

Senate Bill 305 also grants the Department of Child Services (DCS) authority to investigate claims of child abuse and neglect against CCDF providers



Remaining Questions?

- Call your CCDF inspector or registered ministry consultant- this person knows your child care program and your unique circumstances. They will be your best source of information
- Other questions? Email BCC at BCDGeneric.ServiceAccount@fssa.IN.gov
- Or call BCC at 1-877-511-1144



Thank you!

- Melanie Brizzi, Child Care Administrator
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Division of Family Resources
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- Bureau of Child Care Information Line: 1-877-511-1144

